

COUNCIL MEETING

JANUARY 28, 2015

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Lihue, Kaua'i, on Wednesday, January 25, 2015 at 9:00 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock (*present 9:01 a.m.*)
Honorable Gary L. Hooser
Honorable Ross Kagawa (*present 9:01 a.m.*)
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i
Honorable JoAnn A. Yukimura (*present 9:02 a.m.*)
Honorable Mel Rapozo

Mr. Watanabe: Chair, Councilmembers Chock and Kagawa are in the building.

Council Chair Rapozo: Any word from Councilmember Yukimura?

Mr. Watanabe: None.

APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro, and carried a vote of 6:0:1 (*Councilmember Yukimura was not present*).

MINUTES of the following meetings of the Council:

December 1, 2014 Inaugural Meeting (*Deferred January 14, 2015*)
January 7, 2015 Special Council Meeting

Councilmember Kuali'i moved to approve the Minutes as circulated, seconded by Councilmember Kaneshiro, and carried a vote of 6:0:1 (*Councilmember Yukimura was not present*).

CONSENT CALENDAR:

C 2015-51 Communication (12/10/2014) from the Director of Planning, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to incorporate non-zoned lands into the County of Kaua'i Agriculture Zoning District, which identifies lands not currently zoned by the County of Kaua'i and designates these lands to be situated within the Agriculture Zoning District.

C 2015-52 Communication (12/23/2014) from the Director of Planning, transmitting the Planning Commission's recommendation to establish regulations, procedures, zoning, development plans and future growth areas for the South Kaua'i Planning District and to establish exceptions, modifications and additions to Chapter 8 and Chapter 9 of the Kaua'i County Code 1987, as amended.

Councilmember Kagawa moved to receive C 2015-51 and C 2015-52 for the record, seconded by Councilmember Kuali'i.

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to received C 2015-51 and C 2015-52 was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was note present*).

COMMUNICATION:

C 2015-53 Communication (01/05/2015) from the Mayor, requesting Council approval to accept the donation of four (4) oil canvases that were gifted to the County of Kaua'i, from the Living Trust of Raymond K. Yoshida (1930-2009), valued at \$43,650. The canvases are currently displayed at the Office of the Mayor and will be added to the Office of the Mayor's inventory: Councilmember Kagawa moved to approve C 2015-53 with a thank-you letter to follow, seconded by Councilmember Kaneshiro.

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceed as follows:

The motion to approve C 2015-53 with a thank-you letter to follow was then put, and carried a vote of 6:0:1 (*Councilmember Yukimura was not present*).

CLAIM:

C 2015-54 Communication (01/14/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Automobile Insurance Company as subrogee for Prudencio Labutong, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kuali'i moved to refer C 2015-54 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any further discussion?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Mr. Clerk, could we sent over a communication? I am interested in, generally all claims, if we could get a list of all claims involving the County, County personnel, whether it is accidents and so forth.

Mr. Watanabe: Will do.

Council Chair Rapozo: Thank you very much.

The motion to refer C 2015-54 to the County Attorney's Office for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was not present*).

(*Councilmember Yukimura was noted as present.*)

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDIR 2015-01) submitted by the Economic Development & Intergovernmental Relations Committee, recommending that the following be Approved as Amended on second and final reading:

"A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS,"

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

BUDGET & FINANCE COMMITTEE

A report (No. CR-BF 2015-04) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

"A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Department of Public Works – Solid Waste Disposal, Consultant Services – \$95,000*),"

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

A report (No. CR-BF 2015-05) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po‘ipū Intersection Improvements – \$80,750*),”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

COMMITTEE OF THE WHOLE

A report (No. CR-COW 2015-01) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“C 2015-42 Communication (12/29/2014) from Council Chair Rapozo, requesting the presence of the Managing Director and County Attorney, to provide the Council with an update on the Administration's fact finding / investigation and plan to address matters pertaining to the agricultural dedication process and the grading, grubbing, and stockpiling process,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Councilmember Hooser.

Councilmember Hooser: ES-779 is in relation to this item, which will be taken later today.

Council Chair Rapozo: Yes.

Councilmember Hooser: I am going to have some brief comments. In case that I am told that this is not on the agenda, it relates to the items discussed at that Committee at the same time.

Council Chair Rapozo: Would you like to have this discussion after the Executive Session?

Councilmember Hooser: I would like to hold my comments when the Executive Session is requested, if I could.

Council Chair Rapozo: No problem. Any other discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2575) - A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION FOR CERTAIN NON-ZONED LANDS: Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2575) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 25, 2015, and that it thereafter be referred to Planning Committee, seconded by Councilmember Chock.

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for passage of Proposed Draft Bill (No. 2575) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 25, 2015, and that it thereafter be referred to the Planning Committee was then put, and carried by the following vote:

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|-----------------------|--|------------|
| FOR PASSAGE: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL - 7, |
| AGAINST PASSAGE: | None | TOTAL - 0, |
| EXCUSED & NOT VOTING: | None | TOTAL - 0, |
| RECUSED & NOT VOTING: | None | TOTAL - 0. |

Proposed Draft Bill (No. 2576) - A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE SOUTH KAUAI PLANNING DISTRICT, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED: Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2576) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 25, 2015, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Councilmember Kaneshiro.

Councilmember Kaneshiro: Chair, I am going to recuse myself from this item. I was a member on the Community Advisory Committee representing 'Omao. I have a letter with the Board of Ethics pending right now and I will probably be meeting with them in February. Just out of an abundance of caution, I am going to be recusing myself from this item.

(Councilmember Kaneshiro was noted as recused from Proposed Draft Bill (No. 2576)).

Council Chair Rapozo: Thank you. Any further discussion?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for passage of Proposed Draft Bill (No. 2576) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 25, 2015, and that it thereafter be referred to the Planning Committee was then put, and carried by the following vote:

| | | |
|-----------------------|--|------------|
| FOR PASSAGE: | Chock, Hooser, Kagawa, Kualii, Yukimura, Rapozo | TOTAL – 6, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | Kaneshiro | TOTAL – 1. |

BILLS FOR SECOND READING:

Bill No. 2566 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Department of Public Works – Solid Waste Disposal, Consultant Services – \$95,000*): Councilmember Kagawa moved to adopt Bill No. 2566 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion?

Councilmember Yukimura: Yes, Mr. Chair.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: In the Committee Meeting, we asked for a lot of information and I understand that we have not received it yet.

Council Chair Rapozo: Yes, and I have been informed by Staff that they are on their way over. We can move on to the next item. Other discussion on this matter?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Let us move to the next item. We will wait for the Administration to be present.

Bill No. 2567 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements – \$80,750*): Councilmember Kuali'i moved to adopt Bill No. 2566 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion? Anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to adopt Bill No. 2567 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

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|-----------------------|---|------------|
| FOR ADOPTION: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Next item please.

Bill No. 2569, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS: Councilmember Kuali'i moved to adopt Bill No. 2566 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion? Anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present from the public to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to adopt Bill No. 2569, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

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| FOR ADOPTION: | Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: At this time, we will take a recess until the Administration comes.

There being no objections, the meeting recessed at 9:08 a.m.

The meeting was called back to order at 9:15 a.m., and proceeded as follows:

Council Chair Rapozo: We are back to Bill No. 2566. We are in discussion. Councilmember Yukimura, did you want the Administration called up?

There being no objections, the rules were suspended.

Councilmember Yukimura: Good morning Larry and Lyle. The information, which we got just a few moments ago, says that, "the total contract for AECOM for a new landfill is two million dollars (\$2,000,000)."

Council Chair Rapozo: Two point two million dollars (\$2,200,000).

Councilmember Yukimura: Was there a separate contract for the Resource Recovery Park (RRF) that involved AECOM?

LARRY DILL, P.E., County Engineer: No, this contract includes the MRF.

Councilmember Yukimura: Okay. Is that the total amount that we are paying AECOM for anything to do with solid waste?

Mr. Dill: No, this is in regards to the proposed landfill at Ma'alo and the Resource Recovery Park. They are doing some other work for us at the Kekaha Landfill and they may be doing some work for us, I think, at the transfer stations.

Councilmember Yukimura: Okay. Thank you. I am sorry but I have not finished reading the response.

Council Chair Rapozo: Councilmember Yukimura, would you rather take a short recess?

Councilmember Yukimura: Yes, I would.

Council Chair Rapozo: I hate to do this but I think it is unfair for us to try to digest this on the run.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: How much time do you need?

Councilmember Yukimura: Ten (10) minutes.

Council Chair Rapozo: Thank you, ten (10) minute recess.

There being no objections, the Council recessed at 9:18 a.m.

The meeting was called back to order at 9:25 a.m., and proceeded as follows:

Council Chair Rapozo: Councilmember Yukimura. Again, rules are still suspended.

Councilmember Yukimura: Yes, we need the Engineers.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: The Bill would have us appropriate twenty-five thousand dollars (\$25,000) consulting work and fifty thousand dollars (\$50,000) for the mitigation. How do we know what the mitigation is before we do the study?

Mr. Dill: That is a good question. We do not know the specifics until we finish the Wildlife Hazard Assessments. It is a two-step process; we do the Wildlife Hazard Assessment and then the Wildlife Mitigation Plan specifics dependent upon what we find out in the assessment phase. Having said that, this is not a new thing we are doing. Landfill's deal with this across the nation so we do have some good ideas about what sort of mitigation efforts would be appropriate for our landfill. The more details we get, the more we will refine those, but we can certainly begin to...and in an effort to keep the process moving along as quickly as possible and also to give information to Department of Transportation (DOT), it is appropriate for us to begin, now that we are maybe, I think we will be close to halfway through the assessment phase because we will have a good amount of data to base it on.

Councilmember Yukimura: What kind of mitigations are conventionally used?

Mr. Dill: Well some of the things that we have been discussing...and it is very early on so these are just conceptual or preliminary right now. One of the significant things are a possible ban on putrescible waste, which would be things like food waste. That would involve determining another means of managing our food waste if it is not going to go into the landfill. Another concern they have is having open-ponds and at Kekaha that is handled with an open pond but that may be wildlife attracting so, we may have to do something other than open-pond. It might be a covered pond or something like that, or it may be pumped directly to a wastewater plant or maybe there is a wastewater treatment system there that is enclosed. We may have to have a receiving area that is enclosed, so that waste is not accessible to wildlife. All of these things are very preliminary of me to speak about now until we have some definitive stuff to talk about after the assessment and getting our recommendations from our consultant and having discussions with the DOT. Those are all possibilities.

Councilmember Yukimura: If you put all of this together and the cost of the road, that site was probably not the most feasible site with all these criteria to have to look at. When we were doing the Towill siting study, did they mention wildlife hazard mitigation as criteria that we should look at in siting the landfill?

Mr. Dill: It was on the radar and my impression of it was that it was not a significant issue as it has turned out to be, at that time.

Councilmember Yukimura: Okay. The fifty thousand dollars (\$50,000) would be to design a wastewater treatment plant instead of an open-pond. The fifty thousand dollars (\$50,000) is the amount that is allocated for mitigation implementation, twenty-five thousand dollars (\$25,000) is for consulting work. Is that not correct?

Mr. Dill: The fifty thousand dollars (\$50,000) is for the RFI consultant, which is not related to the modeled landfill. The fifty thousand dollars (\$50,000) in there...

Councilmember Yukimura: "R," "F," "T" – what is that?

Mr. Dill: I think we have discussed that the County has issued a Request For Information, an (RFI), for people to respond to us with possible means of managing our solid waste other than burying it in a landfill.

Councilmember Yukimura: It is to accommodate all those people who wanted to do waste to energy.

Mr. Dill: No. That is not the intent.

Councilmember Yukimura: Okay.

Mr. Dill: But there are certainly those who respond with waste to energy proposals as a response to that RFI. Multiple people had approached us in the past for these past several months/years, folks who want us to consider a system to manage the solid waste other than a burial in the landfill. You may recall that the County's adopted Integrated Solid Waste Management Plan when we adopted the current plan that the consultant did look at a specific mass burn waste to energy proposal to see if that was feasible for Kaua'i. The conclusion that they came to at that time was that it was not. Now we are a few years down the road and technology has advanced and there are other alternatives and systems out there that might be applicable or feasible for Kaua'i. We have sent out a request for information, no commitment on behalf of the County or the responder, at this stage, to let us know if they have any proposals or ideas of how we might otherwise manage our solid waste. We have received eight (8) responses to that RFI, that just closed January 15th and we are starting to review those proposals. Some of those are fairly high technology in nature and so what is included in the money bill is a fifty thousand dollars (\$50,000) request to fund a consultant so that we can get their assistance in analyzing the responses, and help us to formulate a recommendation going forward. Until we go through that process, I cannot say for sure what our next step will be. It will range all the way from saying, "None of these make sense, we are going to continue on our path," but at least we will be proceeding with the knowledge that we have looked at the opportunities and find out that nothing is applicable. We also may decide that some of these look like they have a lot of promise and we should move further and then we might formulate an RFP for services to go and have somebody actually bid on something for the County. It may be any number of options, which are hard to tell until we go through the process of evaluations. The fifty thousand dollars (\$50,000) is for the consulting services to help us in reviewing those submittals on the RFI and to help us make some recommendations.

Councilmember Yukimura: So you only have twenty-five thousand dollars (\$25,000) for a consultant on Hazardous Wildlife Mitigation?

Mr. Dill: We have twenty-five thousand dollars (\$25,000) for the Hazard Assessment. What came up in our meetings we have been having with the DOT, we have been working closely with DOT, because those are the folks that are very concerned about the wildlife attractants, a suggestion that came to us...I do not know if it was directly from DOT or through the Fish and Wildlife folks that we contract with some helicopter services in order to determine the actual flights that the birds are taking to and from their nest. Part of that twenty-five thousand dollars (\$25,000) is helicopter services and I believe the rest is for the consultant to incorporate that into the hazard assessment.

Councilmember Yukimura: How is a helicopter going to help determine the bird flight routes?

Mr. Dill: They actually follow the birds. This was requested by DOT and I believe it was Fish and Wildlife, was it? Yes, it was Fish and Wildlife, they are the folks with the experts on this. As we noted in our response we have a certified biologist who is very familiar with airport wildlife attractant issues and he concurs that this is one way you can get more information to help you put together a good assessment and therefore a strong mitigation plan.

Councilmember Yukimura: Seems to me the helicopter could scare the birds to go another way and the more proper use would be those drone or gliders that they use to follow the birds. What is that beautiful film?

Mr. Dill: Actually, we discussed drones as possible options and I cannot remember the details but the experts in the room said that the best way to do it is with a helicopter.

Councilmember Yukimura: Okay. The twenty-five thousand dollars (\$25,000) is to pay for helicopters.

Mr. Dill: No, I think about seventy-five hundred dollars (\$7,500) is the actual helicopter cost and the rest of it is for consulting.

Councilmember Yukimura: So, then the fifty thousand dollars (\$50,000) is for the RFI.

Mr. Dill: Correct.

Councilmember Yukimura: The fifty thousand dollars (\$50,000) that we could not find for our recycling or diversion programs which up to now and as part of our Integrated Solid Waste Management Plan is that the way that we are supposed to increase or extend the life of the landfill? Then, there is another...it is ninety-five thousand dollars (\$95,000), so what is the other twenty thousand dollars (\$20,000)?

Council Chair Rapozo: It is for the electrical upgrades.

Mr. Dill: Oh, yes, that is right.

Councilmember Yukimura: Thank you.

Mr. Dill: Yes. We have issues with the transfer stations, actually, it is going to be addressing Kapa'a and Hanalei, I believe, we have to design new master control centers for those operations for the compactors.

Councilmember Yukimura: How is this RFI going to look at...I mean this is a major...if you do an RFI it would be a major change of policy that the Administration is looking at because by sustainability principles, burning rubbish is contradictory to material management.

Council Chair Rapozo: Before you answer that, Councilmember Yukimura...and I need clarification as well before we go down that road. The Landfill Wildlife Hazard Mitigation Plan is what is stated in the Bill.

Mr. Dill: Right.

Council Chair Rapozo: But you are saying that this money is going to be used for an RFI...

Mr. Dill: Okay the fifty thousand dollars (\$50,000) is for the RFI consultant.

Council Chair Rapozo: So it is not for the Hazard Mitigation Plan. Because this Bill specifically states that, it is for...so this is how I read the Bill and that is why I supported it. Twenty-five thousand dollars (\$25,000) was that the consultant would come in and do an assessment of what we are proposing and then the fifty thousand dollars (\$50,000) would be to the consultant to create this Mitigation Plan to operate at Ma'alo within the six (6) mile radius of the airport. The letter from the DOT told the County, "We do not support your siting of the landfill however if you proceed at that site, we encourage a Hazard Mitigation Plan." I am looking at this – the twenty-five thousand dollars (\$25,000) the consultant comes in and makes an assessment and the fifty thousand dollars (\$50,000), they would create a Hazard Mitigation Plan to continue or to satisfy the Federal government that in fact Ma'alo is a safe site for these birds. Nowhere in this Bill infers that any part of that money is going to be used for an RFI for any other purpose so I am concerned because to me, I voted for something that apparently is not what it is and I am concerned about that. This discussion is not about an RFI, and alternative technologies, this discussion is limited to the Hazard Mitigation Plan as a result of the letter from the DOT. If in fact the intent of the Administration is to use this money for something other than a Hazard Mitigation Plan, I suggest we go back to the drawing board and do it because I do not want this Council to approve money for a Hazard Mitigation Plan that is not going to be used for that. I hope you can appreciate that.

Mr. Dill: I do, Mr. Chair, can I request a short recess?

Council Chair Rapozo: Sure.

There being no objections, the Council recessed at 9:38 a.m.

The meeting was called back to order at 9:52 a.m., and proceeded as follows:

Mr. Dill: Council Chair and Members of the Council, I do have to apologize for confusing the issue today. The Bill before you is correct and I should have limited the discussion to what is on the items in the Bill. Just to clarify again, the ninety-five thousand dollars (\$95,000) is broken down to twenty-five

thousand dollars (\$25,000) for the Landfill Wildlife Hazard Assessment, which includes approximately seventy-five hundred dollars (\$7,500) strictly for helicopter fees and then the rest of that money, is to incorporate that information into the Wildlife Hazard Assessment that is currently being conducted. Subsequently to the Wildlife Hazard Assessment, a Wildlife Mitigation Plan will have to be done which is, as the Council Chair mentioned is what DOT is looking for, so that is that step that achieves that goal in the process. There is fifty thousand dollars (\$50,000) that we are requesting for that purpose and then as was mentioned that twenty thousand dollars (\$20,000) for the electrical upgrades to Hanalei and Kapa'a Refuse Transfer Stations where we have been experiencing problems with old master control centers operating the compactors there. Again, my apologies for confusing the issues here.

Council Chair Rapozo: Thank you very much Mr. Dill. Any questions?

Councilmember Yukimura: Is the fifty thousand dollars (\$50,000) for an RFI coming up later?

Mr. Dill: That will be addressed separately.

Councilmember Yukimura: Okay. To come up with the plan, the fifty thousand dollars (\$50,000) is to implement it?

Mr. Dill: No, the twenty-five thousand dollars (\$25,000) is to upgrade or to increase the scope of the assessment that we were doing based on ongoing discussions we had with DOT and Fish and Wildlife Services, part of which was per their recommendation to contract out the helicopter services. The fifty thousand dollars (\$50,000) is to actually come up with the Mitigation Plan.

Councilmember Yukimura: So it is not implantation, it is a Plan.

Mr. Dill: Correct. The Mitigation Plan will include recommendations for certain measures, equipment, et cetera, to be incorporated into the actual design of the proposed landfill.

Councilmember Yukimura: You said the seventy-five hundred dollars (\$7,500) is for helicopters...

Mr. Dill: Correct.

Councilmember Yukimura: Seventeen thousand dollars (\$17,000) is for what?

Mr. Dill: That is to update the Wildlife Hazard Assessment based on information gleamed largely from the helicopter and other comments that have come to us during the process with DOT.

Councilmember Yukimura: Is it all to do a plan?

Mr. Dill: All of the work in the assessment will be used to formulate the Mitigation Plan.

Councilmember Yukimura: And that is going to cost us seventy-five thousand dollars (\$75,000)?

Mr. Dill: All the scope that I spoke about today, yes. Fifty thousand dollars (\$50,000) for the Mitigation Plan, and we have already contracted for the assessment, this is another twenty-five thousand dollars (\$25,000) towards the assessment. We started the assessment in September, I think, of last year, and they have done...I think they are out there twice a month visiting both the Kekaha Landfill to get information as to what sort of attractants are there as well as the proposed site at Ma'alo to continue studies and surveys of the birds that are out there. This is an ongoing effort. The twenty-five thousand dollars (\$25,000) will supplement that effort according to the request that we had from DOT.

Councilmember Yukimura: So, you are saying that twenty-five thousand dollars (\$25,000) is for data gathering.

Mr. Dill: Correct.

Councilmember Yukimura: And fifty thousand dollars (\$50,000) is for them to develop a plan. Therefore, if it is an open-pond...I mean if it is a wastewater treatment plant, they are going to actually design it.

Mr. Dill: Not as part of this plan.

Councilmember Yukimura: They are just going to give us professional opinion as to which solutions we need.

Mr. Dill: Correct.

Councilmember Yukimura: For fifty thousand dollars (\$50,000).

Mr. Dill: Correct.

Councilmember Yukimura: That sounds like too much money to me.

Mr. Dill: I do not deny that it is a lot of money, but this is an expensive process. I do not know what to tell you on that one. Those things cost money.

Council Chair Rapozo: It could be more.

Mr. Dill: Could be more.

Councilmember Yukimura: I think it is a consultant's retirement.

Councilmember Hooser: Will it be more...

Councilmember Yukimura: It is a consultant's retirement plan.

Mr. Dill: Well, I have to disagree with you on that.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Mr. Chock.,

Councilmember Chock: One of the questions was that it is a connection to a MRF and my understanding is, based on your response here, one, the DOT has not

requested a study for the same hazard. The ongoing EA (Environmental Assessment), does it reference any of this concern as well regarding the birds or mitigation of this hazard? Is it feasible to consider since some members are not happy with the cost, that it would be a little broader in its approach to cover such needs in the future given the relationship and the distance to airport?

Mr. Dill: The EA that is currently ongoing is for a proposed MRF, as I mentioned at the Kaua'i Resource Center, adjacent to the Lihue Refuse Transfer Station, different location that will require its own analysis. As part of the environmental assessment, we will be notifying folks that have an interest in or maybe impacted by the operation of that facility, so DOT Airports specifically, will be notified about that. That will be their opportunity to comment about wildlife attractants. In informal discussions that we have had with them in the past, they have indicated concerns about wildlife attractants. My understanding of the FAA (Federal Aviation Administration) guidance is that a MRF, since it does not deal with what we call "putrescible waste," got to be sort of an "organic waste" that would attract the wildlife then that is not the type of facility that would have those sorts of issues associated with it. We will have to work through that when we get the official comments from DOT Airports. As I mentioned earlier there is also a landfill and Resource Recovery Park proposed at Ma'alo. The Resource Recovery Park is to include a MRF, up there, so though the discussions with DOT and their concerns have been all centered around the landfill, since that is the same area, wildlife attractant assessment and mitigation measures could also be applicable for a MRF up at that location.

Councilmember Chock: Understood. I guess the fear I have is to see another seventy-five thousand dollar (\$75,000) bill in the near future for the same work that we are already committing too.

Mr. Dill: Well, the work that we are doing now should be applicable to the Ma'alo area where the Resource Recovery Park and the landfill are. Since the proposed MRF at the Resource Center is a different location, I cannot speak yet to what issues may or may not arise there. As I said though, my feeling is that per the FAA guidance, it is simply not an issue, but DOT may not see it that way.

Councilmember Chock: Sure. In terms of timing this contract as opposed to the findings of law, the EA, are we far off?

Mr. Dill: Those are two (2) different projects. I do not have the details on the schedule for the environmental assessment. Right now we have a separate contract with a separate consultant doing an EA and then a conceptual design for a MRF at the Kaua'i Resource Center. I believe that the entire scope-of-work should be done by the end of this calendar year and then the Wildlife Hazard Assessment is a one-year assessment which I think is September of last year to September 15th and the mitigation plan will likely be completed shortly after that, within a month or two after that.

Council Chair Rapozo: Mr. Hooser.

Councilmember Hooser: Good morning. I normally carry that letter with me but the FAA was the one who recommends against building landfills within six (6) miles of an airport, is that correct.

Mr. Dill: Yes.

Councilmember Hooser:
many miles from the airport?

That is in the letter. Yet this is located, how

Mr. Dill:

Two and a half miles.

Councilmember Hooser: I am not happy with the choice and I think I have made this clear in the past. I appreciate the information and ask how much do we have into this project and it looks like we spent a million six hundred and fifty-two dollars (\$1,652,000) so far. Is it correct to say that if we scuttle this project that that would be the cost or maybe a little bit more?

Mr. Dill:

Yes.

Councilmember Hooser: I want to put on the table that that might be the best choice, from my perspective as we sit here, because this is a mitigation plan to reduce the potential impact or number of birds and wildlife coming that could impact aircraft.

Mr. Dill:

Correct.

Councilmember Hooser: My wife works for United Airlines, I fly a lot, and they have bird strikes. I think at the airport now they do things to get rid of birds with the existing situation and for the County to build a landfill this close, and I will talk about it in a second...the siting study...and I appreciate the information too because it identified eight (8) sites. All of them except two, you say, were also within six (6) miles of the airport. Why was that criteria not in the study, say, "Do not give us any sites that are within six (6) miles since the FAA does not want it."

Mr. Dill: If you read the guidance, it says something along the lines that they do not want an airport within it, but you can implement, as the Chair mentioned earlier, you can do a mitigation plan to mitigate those wildlife attractants issues.

Councilmember Hooser:

Okay.

Mr. Dill: It certainly was not a black and white thing. They did come back to us originally with, based on two (2) of their advisory circulars saying, "Based on these, you cannot do it." We did some analysis on the one and we had not agreed with and it turned out they agreed with our assessment and understanding that there was no outright prohibition. There is no outright prohibition under the six (6) miles but there is a recommendation against it, I guess, is the way I would phrase it. There is a path, if you go down the route that we are taking that you can site a landfill within there. I want to touch on something you said a moment ago. After we get through this phase, if the mitigation efforts are cost prohibited, we may have to come to an unhappy conclusion that we may have to walk away from this effort. I do not deny that. I think it behooves us to at least finish this process to have the correct information to make that decision.

Councilmember Hooser: Thank you for that and clearly this is part of the decision; a road and other costs are other elements of the decision.

Mr. Dill:

Sure.

Councilmember Hooser: I do not know if your Department is involved or not as I sit here but the County has concurrently at the same time, we are trying to increase bird, shearwaters, which are near the airport as well as Nene geese so we have two efforts going to try to encourage populations and then we have this effort to try to decrease. It kind of does not make sense.

Mr. Dill: I cannot argue with that.

Councilmember Hooser: Thank you.

Council Chair Rapozo: Mr. Kualii.

Councilmember Kualii: Thank you both for being here. Just to clarify, I have been listening to responses and I think I have my answer but in your memorandum of December 26th, you talk about the Landfill Wildlife Hazard Assessment being the twenty-five thousand dollars (\$25,000) and being the first step towards creating the Landfill Wildlife Hazard Mitigation Plan. Then you said, "Development of the Plan will include both scope and preliminary cost estimates to construct and implement, maintain, and operate the mitigation measures." Is that fifty thousand dollars (\$50,000) not covering all of that, you have answered Councilmember Yukimura to say that it does not include implementation. So, it would not include implementation, construction, maintaining, operating – it is just initial stages of a plan and from what you are saying to Councilmember Hooser, as you go along more and more costs are incurred and if it comes to the point where the potential for mitigation costs are too high then you would recommend moving away from that site.

Mr. Dill: Correct. If I may clarify a little bit. The Plan will include what needs to be done in order to mitigate and some preliminary level cost estimates of what it would cost to design, construct, and operate. It will not include the actual design or construction, those types of things.

Councilmember Kualii: At some point in this fifty thousand dollars (\$50,000), will it tell us what it would cost?

Mr. Dill: Correct.

Councilmember Kualii: Okay. Thank you.

Council Chair Rapozo: Mr. Kagawa.

Councilmember Kagawa: Thank you for answering the questions so far. This is one of the steps in getting that landfill ready, just in case, and we have a timeline if we do not have any diversion that Kekaha is going to fill up, right?

Mr. Dill: Yes.

Councilmember Kagawa: The worst scenario would be if Kekaha fills up in...how many years?

Mr. Dill: The current phase – about four and a half to five (4 ½ - 5) years and then Cell II which is under design, we estimate roughly another seven (7) years. In total, eleven to twelve (11 – 12) from now.

Councilmember Kagawa: So that is the best scenario, but if we do not take all of these steps, we could be in serious trouble if we do not have another landfill ready, just in case.

Mr. Dill: Correct.

Councilmember Kagawa: And every site that we went through as an alternative had pros and cons and we went through that before.

Mr. Dill: Correct.

Councilmember Kagawa: How much sites did we look at in total?

Mr. Dill: There were eight (8) candidate sites. Let me elaborate a little bit. The Siting Study went through an exclusionary siting criteria process which means that we put all these criteria on the table and said...there are certain things like too much rainfall, the land is too steep, it is right next to a residential area, and we eliminated a lot of the parts of the island which left us with eight (8) areas basically. We then looked closely at those sites and ranked them. We also contacted all of the landowners and one of the big things in favor of Ma'alo was that this was the only site that we had a willing landowner. The County of course, always has an option of a condemnation proceeding but since we had a willing landowner that was one of the factors for Ma'alo. Ma'alo was also the site with the longest lifespan so it was attractive one from that standpoint as well.

Councilmember Kagawa: To try and get back to the topic of this Bill, every potential of the eight (8) sites had pros and cons.

Mr. Dill: Yes.

Councilmember Kagawa: What were the cons of this site? Was it that it was located in close proximity to the airport where we need this money appropriated?

Mr. Dill: Correct.

Councilmember Kagawa: And that is why we need this done soon.

Mr. Dill: Yes.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: But Larry in the siting, this item, this issue, was not recognized as a con at that time.

Mr. Dill: I believe it was discussed in the Siting Study.

Council Chair Rapozo: I do not recall. When I read the Report, I do not recall this being an item of concern.

Mr. Dill: As I mentioned, I think that the issue was discussed, but as I said, I do not think...it turned out to be a lot more significant than was anticipated. I guess I will put it that way.

Council Chair Rapozo: In defense of the consultant because I am upset that they did not raise this to the level that it should have been raised.

Mr. Dill: I have raised that to them.

Council Chair Rapozo: But it is true that the size of the airport and the amount of traffic in the airport does have an impact on the Department of Transportation's position, in fact, that is why they changed their position from an outright prohibition to a, "Well, if you decide to move forward..." giving us that option, "You are required to do these certain things."

Mr. Dill: I can clarify a little bit on that. As I mentioned there were two (2) advisory circulars that they voiced their concerns based on. One is based on the category of the airport and I am not an aviation expert so I will get out of my depth pretty quick here, but one of them is based on the category of the airport which relates to the size of the airport.

Council Chair Rapozo: Right.

Mr. Dill: As I understand it, the wildlife attractant issue; bird strikes to planes, are much more significant for smaller aircraft and the Lihue Airport does not fall under the "small aircraft airport category."

Council Chair Rapozo: Right.

Mr. Dill: But that particular prohibition applies too, so we brought it to their attention and they said, "You are right." Therefore, that prohibition does not apply, but there are still concerns that can be addressed through these mitigation efforts that you mentioned.

Council Chair Rapozo: Thank you for that clarification. I think the general aviation airports like Dillingham on Oahu or the areas where small airplanes park and take off from, those constitute a much higher threat to the public safety which is the small plane hitting a bird is much more dangerous than what Mr. Hooser talked about where the larger jets can absorb that.

Councilmember Yukimura: What about helicopters?

Mr. Dill: Helicopters are an issue as well. With Maalo that is one of the main concerns that they brought up because that is the route that the helicopters take which is in the Maalo area leaving and returning to the airport.

Councilmember Yukimura: At the end, the outcome or the product that you are going to receive for fifty thousand dollars (\$50,000) is a report?

Mr. Dill: Correct.

Councilmember Yukimura: That tells us what mitigation options are recommended and the approximate cost.

Mr. Dill: Yes.

Councilmember Yukimura: And you are going to take that to the Airports Division and ask them if they are going to approve it, is that how it works?

Mr. Dill: More or less, but I would characterize it a little differently because we have been meeting with them and working closely with them. We want to make sure that they are with us every step of the way and agree with us in the way we are doing the assessment and developing a mitigation plan. We actually have a meeting next with them February 17th, I think, we are going to Honolulu to give them the latest update and our plans for moving forward. We are not going to complete the plan and then show it to them. We hope to develop it more or less with them according to what they want to see to make sure that they are comfortable with it. At the end of the day, obviously safety is the concern, it is one of their primary missions and we of course acknowledge that, so we want to make it safe for air traffic in that area. We would hope that the DOT supports us at the end of the day when we publish our final EIS (Environmental Impact Statement).

Councilmember Yukimura: How do you judge whether the price is reasonable or not?

Council Chair Rapozo: I can answer that very quickly. "We" will decide, Councilmember. The Council will decide whether it is appropriate or not because the Council is going to have to be the one to fund it.

Councilmember Yukimura: Then I am asking what criteria should we use because it takes certain amount of research and I do not know what the per hour cost is that they are charging us for or they are proposing to charge us for. Fifty thousand dollars (\$50,000) for a report and you already have the data gathering already paid for – the fifty thousand dollars (\$50,000) does not include the data gathering.

Mr. Dill: Well the fifty thousand dollars (\$50,000) has to include some conceptual design. They will be doing some conceptual design work in order to establish what the costs are. It is not a small effort. The fifty thousand dollars (\$50,000) from my perspective and I have to disagree with you, I do not think it is an unreasonable cost. I thought you were referring to...with moving forward with the landfill site because the plan should give us, an idea of what is going to cost to develop and operate the landfill. I think at that stage, a robust discussion will have to be had between the Administration and the Council as to what Councilmember Hooser was saying, "At what point do we decide to fish or cut bait at this site?"

Councilmember Yukimura: Well it is really strange to me that we did an EA before we did a feasibility study which would focus you on the key things that you need to determine whether the site is feasible or not. This Administration seems to use EAs as a feasibility study and that is a very expensive way to go.

Council Chair Rapozo: Do you have a question, Councilmember Yukimura?

Councilmember Yukimura: Why did we not do a feasibility study first?

Council Chair Rapozo: I think that was asked in the past. I think we hashed that out time and time again.

Councilmember Yukimura: It was?

Council Chair Rapozo: I think over the years we have had that discussion when...I specifically remember that question. I think it is a good question

and I think that you answered it, but I want to get back on the topic of the money for this hazard mitigation. If we want a discussion on the landfill, we can have that in a Committee Meeting, but today let us focus the discussion on the hazard mitigation. It is funny how you said, "fish or cut bait," because that is the first thing I have on my notes but there comes a point that this County will have to decide what they are going to do. I think the questions are all great questions but unfortunately we are where we are at and we need to move forward. We cannot move forward until we know what those mitigation costs are. I think at some point, the County is going to have to make a decision. Do you cut your losses or do we move forward? Every day that goes by, our back gets further against the wall and so we need to move forward. Anymore questions about the Hazard Mitigation Study and the Plan.

Councilmember Yukimura: Yes.

Council Chair Rapozo: Sure.

Councilmember Yukimura: Is it actually going to include conceptual design – the result?

Mr. Dill: I do not think it would include the conceptual designs, no.

Councilmember Yukimura: You just said that...

Mr. Dill: They would have to do some work in order to know what the costs are, I am saying. Getting a conceptual design, I do not believe is part of the scope, but they will have to have something to base the cost on.

Councilmember Yukimura: How many hours of work will that take?

Mr. Dill: I do not know the hours or work that they...

Councilmember Yukimura: Then how do you know that it is reasonable because do you not do it on a "per hour" basis?

Mr. Dill: I have not done an hourly analysis in order to come up with the fifty thousand dollars (\$50,000). Based on other products that we receive for various projects, the scope that they are doing it seems..., and I admit that it is a thirty thousand (30,000) foot level estimate based on the work product we are getting from them, it seems reasonable to me.

Councilmember Yukimura: You mean based on their rate of charging us?

Mr. Dill: No, I mean based on the work product they are going to provide to us.

Councilmember Yukimura: Ok.

Council Chair Rapozo: Anymore questions for the Administration? Thank you, Larry and Lyle. Anyone in the audience wishing to testify on this matter?

"BIG BOY" KUPO: Aloha. When I hear the word "consultants," it *irks* me because with our government that we have, we have a lot of engineers in just about every department. Then when I hear that we have to hire consultants, to me why

do we have engineers for then if we are always going to hire consultants and spend seventy-five thousand dollars (\$75,000) just to hire them to do any assessment for the government? I think we should keep that money within the house and not spend it someplace else by hiring one consultant. This site that they were talking about, it FAA does not want that within a six (6) miles radius and they want to put it in a two (2) mile radius, they need to shut it down already. They need to find another place that is feasible and that is workable for the County or the community. As far as the landfill recycling, they have tenants down there that are not doing what they should be doing which is monitoring all the people that is coming in with their trash to see if they are putting it in the right place, then our landfill will not fill up so much. A lot of people are not taking the time to put the recyclables where they are supposed to be. They are just dumping right in the main bin which is going into the landfill. What is "M," "R," "F," that you folks use the terminology of MRF? What does that mean?

Council Chair Rapozo: The MRF is the Materials Recovery Facility. Basically what happens is when you dump your trash, all the materials that can be taken out for reuse is taken out.

Mr. Kupo: There you go.

Council Chair Rapozo: And then the rest that cannot be reused and recycled will go into the landfill.

Mr. Kupo: That is where the landfill or even transfer stations should have one monitor there. I know that they are not doing it and that is why we are having problems of trying to find a site for a new landfill. With all the money that they are spending, they should put it into our Kekaha CAC (Citizens Advisory Committee) and we can figure it out for them. The million dollars (\$1,000,000), we could use that money for this Kekaha Landfill. That is all I have.

Council Chair Rapozo: Thank you, Mr. Kupo. Any questions? First, thank you for coming. I think it is two (2) weeks in a row and I appreciate you being here and participating.

Mr. Kupo: Thank you.

Council Chair Rapozo: You said that things are not being recycled or taken out of the waste stream, as it should be. I am assuming you have witnessed that. What have you seen...of items not being taken out before dumped into the transfer station.

Mr. Kupo: The metal, cardboard, certain toys like bicycles; they have a place for all that. Some people do it and some people do not. Those trash bins that they have down there, the thing fills up so fast because there are too many bulky items that should be in the recycled area.

Council Chair Rapozo: I asked you that because Larry folks are here and they are interested in hearing that too. Thank you. Anyone else wishing to testify on this matter. Seeing none, the meeting is called back to order.

The meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: I first want to say that when we look at Ma'alo and its problems, I can really picture a lot of negatives for that site – really easily but I

think if I look at all eight (8) sites that were under review, I could think a lot of negatives about every single site. Kaua'i is too beautiful to host new landfills and we all agree on that, but it is a tough situation. I think every county or municipality has struggled with landfilling and where to put it or what to do with their rubbish. I just got back from London and they ship it to Switzerland. That is how tough that situation is. Can you imagine the costs of sending all of their rubbish, do you know how big that country is compared to Switzerland, but that is the best option that they have. I applaud the Administration. They are dealing with a problem that is not going to hit us, but it will hit our children, if we are not ready with a landfill should Kekaha fill up. It would be easy for this Administration; Public Works, Solid Waste Division to push it off and say, "There are too many problems with Ma'alo." I think they agree there are problems with Ma'alo but they went through the consultant phase, they selected Ma'alo, the consultants recommended that site, and the Mayor said, "I have to choose one; we are running out of time." That is a tough decision. Nobody wants to make that decision and be looked at as the person who chose that site, but there are some options. Maui is just starting a waste diversion program like a MRF, the County of Maui, and we will see how that works. City and County of Honolulu has just purchased another boiler and much negatives have been said about H-Power, the amount of ash it creates, and the lack of energy it produces for that much waste going in. We are going to come to a point where I think the County is going to try to go with one of these eight (8) or more projects that seems the best fit for our island. I think that will be the day when we can celebrate because we will push off the need for that landfill to be built, but in the meantime, until it is in place, running, and producing results, we need to go on this track of getting ready just in case. We cannot wait until the whole problem just blows up and we have no landfill and no option other than to ship it off which is going to be very costly. I think it is a real tough situation. I spent a lot of time and will spend even more time on trying to put my efforts in assisting Public Works and we are going to work together and come up with a solution that hopefully can extend the life of the landfill, not ten (10) years but thirty to forty (30 - 40) years at Kekaha. Maybe, if we are good at it, we dig up whatever we can and put it into some type of diversion, waste to energy, or what have you. This is a tough problem but I think it is one that we can no longer deny and no longer put on the side, I think we need to deal with it. I know it is going to be costly but a lot less costly then opening up Ma'alo and getting that site ready. That is going to be in the hundreds of millions, I believe, is just my estimate.

Council Chair Rapozo:

Mr. Hooser.

Councilmember Hooser: As I mentioned earlier, I have strong concerns about the location of this landfill. I understand the selection was made with the siting group, I think it was in July before I came aboard the Council and many of us here. I am very troubled that we are potentially building a new landfill which will be there forever...beyond our grandchildren or great-grandchildren. We are building it in an area that the FAA strongly encouraged us not to do, something like that within six (6) miles of an airport, but if you are going to do it, they want a mitigation plan. There is no question that in the future trash is going to increase, air traffic will increase, and if we are successful in our efforts birds will increase. As mentioned earlier, we are doing our best to increase the population of shearwaters and Nene geese, and at the same time we are acknowledging that birds...we do not want birds over here. I think the unfortunate reality that at some point in the future, there will be a helicopter or plane that does a bird strike and tragedy could very well occur. At that point, the Attorney's will look at the record and say that, "We knew that we were not supposed to build a landfill within six (6) miles, the FAA did not want us doing that, and we did it anyway." Yes, we did mitigation plans but those mitigation plans were not sufficient to keep the tragedy from happening. You can just bet that this is going to happen in the future at

some point, whether it is ten (10) years from now or fifteen (15) years from now. The financial cost, the personal cost that might occur needs to be part of this conversation because it is going to happen, it happens now. There are bird strikes now, the airport is dealing with birds now, and for us to construct a landfill contrary to the recommendations of FAA this close to an airport, that we hope to expand, we are a tourist-based economy in many ways. We hope to expand traffic and not decrease traffic. I think it is just a fundamentally...from what I know now – a bad decision. I would like to, at some point, perhaps after the mitigation plan is done, review the information, consult, have a proper briefing on the landfill, the cost, road, all those other costs to decide whether or not to put good money after bad if that in fact is the case. I am hoping to hear new information, but at this point, it does not fit for me. Thank you.

Councilmember Yukimura: I have an amendment to propose, but before I make a motion, I would like to say that it has taken us over ten (10) years to site a new landfill and even now, we are not sure. If we had ten (10) years ago followed our Integrated Solid Waste Management Plan with a sense of urgency, we would be at a much higher diversion rate and we would be extending the life of the landfill every year. In San Francisco, they are diverting eighty percent (80%) of their waste through methods of reduce, reuse, and recycle. We have just been dilly-dallying on that. I know that the Department has really in the last two (2) years tried to go for the MRF, but two (2) years ago the MRF was already late. We went through pilot projects and all sorts of things, using money that we could have used to do MRF and increase diversion, just like we are going to spend fifty thousand dollars (\$50,000) on an RFI to look again as to whether we want to go through some waste to energy projects. Waste to energy for a small island like us is not financially feasible and we determined that at least twice in the last ten (10) years. Just, on Monday, Billy Kenoi announced to the State Ways and Means Committee that he is cancelling the hundred million dollars waste to energy proposal that they were looking at because the price of oil is dropping and these projects are not feasible. If it is not feasible for the Big Island, which has double our population, how can it be feasible for a population of sixty-five thousand (65,000). These are put and pay contracts like if you do not give the waste-stream, you still have to pay them for it. That would mortgage this island. It is not feasible. Yet, we keep dilly-dallying and not doing the right thing which is both financially feasible and sustainable which is an accelerated, it is in our Integrated Solid Waste Management Plan; reduce, reuse, recycle. We have wasted millions of dollars and many years just to be back at square one that is where waste is horrendous and to not do really tight feasibility studies is one of the most wasteful things to do. We spent a lot of stuff on an environmental assessment when we are not really sure that is where we want to put the project and that is backwards. That is so wasteful and was millions of dollars that could have been used for parks, transit, or diversion. This is truly a “ready, fire, aim.”

Council Chair Rapozo: Did you have an amendment, Councilmember Yukimura?

Councilmember Yukimura moved to amend Bill No. 2566 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Hooser.

Councilmember Yukimura: I am just reducing the fifty thousand dollars (\$50,000) to thirty-five thousand dollars (\$35,000) for the plan.

Council Chair Rapozo: Discussion? Councilmember Kagawa.

Councilmember Kagawa: What is the rationale for reducing the fifty thousand dollars (\$50,000) to thirty-five thousand dollars (\$35,000)?

Councilmember Yukimura: The total for Wildlife Hazard Assessment and Mitigation will be sixty thousand dollars (\$60,000) instead of seventy-five thousand dollars (\$75,000) and I think that is more than enough to come up with an assessment of the wildlife issues and not even a conceptual, but some recommendations for how to handle it. After that, there is going to be another huge amount. If it is a separate wastewater treatment plant instead open-ponds, the cost is going to be incredible.

Councilmember Kagawa: With that, can I ask the County Engineer...he has heard Councilmember Yukimura's rationale and I just want to hear if Public Works agrees or disagrees with this reduction.

Council Chair Rapozo: That is fine.

Councilmember Kagawa: Yes or no.

Council Chair Rapozo: I think he already said that he disagreed with Councilmember Yukimura...

Councilmember Kagawa: Based on that, I certainly will not be supporting this amendment not because I do not believe Councilmember Yukimura is trying to save the County some needed dollars in her view, but just because I know how important it is. We have already been down this road of going with Ma'alo as the preferred site and heard the comments from Councilmember Hooser and the obvious fact that wildlife birds are a problem. We should discuss how we address the problem and give Public Works the money they need to assess the problem and how we deal with the problem. I will not be supporting the amendment. Thank you, Chair.

Council Chair Rapozo: Mr. Chock.

Councilmember Chock: It is hard to make a decision on this amendment without really seeing more information about how this contract is being formed and the details of it. There is a certain amount of trust that goes into empowering our administrators to go through the process, and work with someone in order to determine a cost. From a blanket perspective, I do not think I can support the amendment, however, I would be willing to put this aside if need be in order to get more information from Public Works on the details of the contract to determine the cost so that we can feel comfortable with any changes on it. Thank you.

Council Chair Rapozo: Thank you. Any other comments?

Councilmember Yukimura: Can we ask for the scope-of-work from Public Works. You will provide that?

Council Chair Rapozo: Thank you. Let the record reflect that Mr. Dill is nodding his head in the affirmative. Thank you, Larry. Any other comments? Thank you. There is a motion and a second. I obviously will not be supporting this amendment. I think Mr. Dill made his case. I guess I have been privy to a lot more – Larry, we met numerous times over the years as I was sitting as the Public Works Chair, so maybe I am a little more in tune to what has been going on and although I agree with Mr. Kupo, a lot, regarding the in-house engineers. When we come across situations like this which requires the expertise of attractants versus birds, obviously we have civil engineers,

water engineers, different types and I think we definitely need the experience and specialists required and I would trust that...fifty thousand dollars (\$50,000) I would assume in my recollection is a very small price for what we pay for consultants, in general. I trust that you will use what you will need to use and you will not waste any of that, but I definitely believe we need this step before we decide what happens next. With that, roll call. I am sorry.

Councilmember Yukimura: I just want to say that fifty thousand dollars (\$50,000) may be a small amount but they are getting, and they will have already been paid one million plus dollars (\$1,000,000+) and you that is the problem with not doing a feasibility study before you do an environmental impact because you spent it on a lot of money that if the project is not feasible, it was a waste of money and that money could have been spent on a Hazard Wildlife Mitigation Plan instead.

Council Chair Rapozo: Thank you. Roll call.

The motion to amend Bill No. 2566 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and failed by the following vote:

| | | |
|-----------------------|---|-------------|
| FOR AMENDMENT: | Hooser, Yukimura | TOTAL – 2*, |
| AGAINST AMENDMENT: | Chock, Kagawa, Kaneshiro, Kualii, Rapozo | TOTAL – 5, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauai, Councilmember Hooser was noted as voting silent, but shall be recorded as an affirmative for the motion).

Mr. Watanabe: 6:1.

Council Chair Rapozo: Okay, we are back to the main motion. Any further discussion? Mr. Chock.

Councilmember Chock: I appreciate all the comments that were made today and I just wanted to state that I think we really need to pay attention to every single solution out there because have poorly handled our waste-stream. The diversion efforts have come down to us, as a community, really needing to bite the bullet and be way more proactive. If we are seeing people who are not even mindful of what they are dumping into our refuse station and us not following through, that is not only a big issue, but we are trying to take actions to move us in that direction and yet I think that there is a mindset out there that they do not get how severe the issue is. We are continually piling up the issues, which will result in money in the long run. I look forward to continuing to take some courageous moves for us to act on the need because when we talk about the future and our children having to deal with this and the environment that they are going to be in, I think it is a sad situation. Yet, we are looking at how it is we are just trying to stay above water in creating a budget. This is not going to happen together through this County. It is going to take everyone's proactive approach and why not start with the Integrated Solid Waste Plan that we already have. I am looking at if the technology has increased in order to scale it, then I would like to see it. I am looking forward to a briefing on the eight (8) that come in; however, I am very wary about us not dealing with again, our habits as a community. I think that

has to come first and we already have it already in front of us to do so. Regarding this particular Bill, I think we are in the fourth (4th) quarter here and our backs are against the wall. We have to spend this in order to figure out if we can continue. I would not support us moving through this tedious process of continually have roadblocks that will not get us to the outcome. I encourage to hear the request from Councilmember Hooser as well in terms of looking at the bigger...you know once we do this mitigation plan to come back and take a look at, "is this still feasible." I think the message was clear that feasibility studies are important at the frontend and can we make sure that that happens with all the money that is spent and the things that we invest in. I will be supporting this Bill at this time. Thank you.

Mr. Watanabe: Chair, if I may. Just a correction for the record. The silent vote goes with the motion for the affirmative.

Council Chair Rapozo: Correct.

Mr. Watanabe: The vote on the amendment was 2:5.

Council Chair Rapozo: Thank you. Any other discussion?
Councilmember Yukimura, you already spoke twice.

Councilmember Yukimura: This is on the main motion.

Council Chair Rapozo: No. We were in discussion, you spoke at discussion, then you made your motion, and then we are back in discussion. You spoke already. Anyone else, please, let us try to respect the Council Rules. Anyone else?
Mr. Kaneshiro.

Councilmember Kaneshiro: I appreciate what Larry folks are doing. It is a fact that our landfill has a limited life on it and to look back and say that we have not done much in the past, I do not think it is fair to the Administration because they are trying to move forward. They are taking the big steps. They could "kick the can down the road" on a lot of this stuff because it is going to affect us in the future. They said the landfill has a life to 2026 or something, which they could kick it down the road and say, "That is not my responsibility," but they are taking the big steps now. They have done things now to divert rubbish such as the "Pay As You Throw" that they are trying to do, they are going out for RFI to find other technologies to deal with the waste, they are trying to look at a MRF, and ultimately they are trying to look at a landfill, which is a necessary item now. I know the costs hurt now, but I think it is necessary in order to move towards a solution for the future.

Councilmember Yukimura: Mr. Chair.

Council Chair Rapozo: Yes.

Councilmember Yukimura: I appeal the decision of the Chair to not let me speak.

Council Chair Rapozo: Go ahead and make a motion.

Councilmember Yukimura: I just made my motion.

Councilmember Yukimura moved to appeal the decision of Chair Rapozo, seconded by Councilmember Hooser.

Council Chair Rapozo: Okay, go ahead.

Councilmember Hooser: I do not believe I have spoken.

Council Chair Rapozo: You have not.

Councilmember Hooser: Could I offer my time to Councilmember Yukimura?

Council Chair Rapozo: You may.

Councilmember Hooser: Okay. I will do that.

Council Chair Rapozo: The yield is for two (2) minutes to Ms. Yukimura.

Councilmember Yukimura: I want to thank Mr. "Big Boy" Kupo for coming and giving us that information about the landfill because if we were really committed to diversion, we would be addressing that issue at the landfill, making sure that the things that are prohibited from the landfill are not allowed there. I just want to say that as a whole...everybody says that they are for sustainability; I do not think that people understand the sustainability principle. Waste is not waste. Waste is a resource. The amount of energy that it takes to make a finished product from raw materials whether it is bauxite into aluminum or trees into wood, is going to be more and more expensive and that is why aluminum is so desirable as a recycled product. You cannot just keep burning or burying what we call waste. In 2002, the United States of America burned or buried two billion dollars (\$2,000,000,000) worth of paper that we could have sold. That is the philosophical context that we have to understand that our Integrated Solid Waste Management Plan is based on and we keep forgetting that. That is why we are having so much trouble now whereas San Francisco and many other communities are biting the bullet and really aggressively doing diversion, up to eighty percent (80%) as I said. That is what it will take to solve this problem. We are barking up the wrong tree and wasting a lot of money.

Council Chair Rapozo: Any other comments? If not, I will just say that Larry made the right...and you can start my clock...Larry, you said it best "Fish or cut bait," and I think right now we still have some options. We have some. We are going to get to a point where we will not and I think that is the concern I think we all should have. Philosophies, everybody can agree to disagree. There are more options and philosophies out there than what Councilmember Yukimura talks about. San Francisco's eighty percent (80%) diversion rate is not a true eighty percent (80%) and if you do the research, they will tell you how they count their diversion. If we counted our diversion like they counted their diversion, we would have a much higher diversion rate too. It is a matter of "cooking the books," for a lack of a better term. Although they are, if you use the method that we use, they are at about sixty percent (60%), so they are absolutely the leaders in diversion but they are not at eight percent (80%) under the standard calculation methods. We just have to move forward. In 1998, is when I first ran for office and I remember at one of the forums I was asked the question, "What is your most biggest concern," and in 1998, it was the landfill and finding a new landfill. 1998. We have been through three (3) mayors, and we are still not with a new landfill. Whether or not we like landfills or not, we need one. Regardless what technology we choose, we still need some sort of landfill. Mayor Carvalho at one point finally made the decision and moved forward, he got the selection committee, and while I agree with

Mr. Hooser maybe that is not the best possible place, that was the best possible place out of the eight (8) sites. In fact, the first site was in the middle of a coffee plantation which was crazy, on IAL (Important Agricultural Lands). Now, we are at the next best place and that is what we got. Unfortunately, as I said earlier, we did not really treat the airport situation as critical as we should have, but now we are here and we have to. We have had numerous briefings, I know because it was all in my Committee from Solid Waste, often times repetitive. There will be a day that we have to make a decision on whether we move forward or not and we cannot until we get that information from the plan. I have no idea what the mitigation plan, implementation, or maintenance will cost because it is not just implementation the first year, it is sustaining that mitigation plan going forward. There is a point when we are going to have to make a decision – do we cut our losses or do we move forward? Unfortunately, every day that goes by, as I said earlier, just puts us in a deeper and deeper hole. There will become a time where I do not know what the options will be, shipping our trash out. Mayor Carvalho had met with then Mayor Mufi Hannemann and they were willing to take our trash because they had just expanded H-Power and they needed the trash. We were quoted at about two hundred dollars (\$200) a ton. Do the math. We cannot afford two hundred dollars (\$200) a ton. That is not possible. Now what? Do we beg the State for an emergency dumpsite like we did after the hurricane and just create a new hazardous, filthy spot on our island, no. We need to take care of these things now and I bring up the 1998 year because that is a long time ago and since then we have had a lot technological advances. You talking about kicking the can down the road and I think we have done that long enough. The Administration has finally said, “We got to move,” and we got to move soon and quick and right. Unfortunately like anything, if you let your car rust to the point where it is too rusty, it cost more to fix. So, over all the last decades we have kicked it down the road and now we are at a point that we are paying for that and we will continue to pay for that, but at the end of the day, that is not a cost that we can ignore. We have to figure out what we are going to do to improve our recycling, whatever it takes diversion has to happen, but even if we divert sixty percent (60%), Kekaha will not be there forever so we have to look at another alternative. With that, roll call.

The motion to adopt Bill No. 2566 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

| | | |
|-----------------------|-----------------------------------|-------------|
| FOR ADOPTION: | Chock, Hooser, Kagawa, Kaneshiro, | |
| | Kuali'i, Yukimura, Rapozo | TOTAL – 7*, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Hooser and Councilmember Yukimura were noted as voting silent, but shall be recorded as an affirmative for the motion).

Council Chair Rapozo: That concludes the regular agenda items. Can we read the ES items, please?

Mr. Watanabe: We have two (2) Executive Sessions, ES-779 and ES-780.

EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance.*

Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

ES-779 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session for Council to consult with the County Attorney regarding a Request for Release of a Confidential Attorney-Client Privilege Report/Work Product Regarding the Investigation on Three Parcels (Tax Map Key Nos. (4) 3-3-018-002, (4) 3-8-004-001 and (4) 3-7-001-001 and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-780 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2 & 4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council pertaining to the County Clerk and, if necessary, to consult with the County's legal counsel. This session pertains to the evaluation of the County Clerk where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: We will take both items separately and let us take ES-780 first so that Mr. Kaneshiro can participate and he will be recusing from ES-799, and can leave the building. We will be taking ES-780 first in Executive Session. Can we get a motion to go into Executive Session for ES-780.

Councilmember Chock moved to convene in Executive Session for ES-780, seconded by Councilmember Yukimura.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to convene in Executive Session for ES-780 was then put and carried by the following vote:

| | | |
|----------------------------|---|------------|
| FOR EXECUTIVE SESSION: | Chock, Hooser, Kagawa, Kaneshiro Kuali'i, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST EXECUTIVE SESSION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Just before the public starts to think that we are trying to fire the Clerk or do anything like that, this is merely an Executive Session to discuss his evaluation, his annual performance. Thank you.

(Councilmember Kaneshiro was noted recused for ES-779.)

Councilmember Kagawa moved to convene in Executive Session for ES-779, seconded by Councilmember Yukimura.

Council Chair Rapozo:

Any discussion? Mr. Hooser.

Councilmember Hooser: I believe this item refers to a letter that I wrote or a request that I wrote to the County Attorney requesting the release of the report done by former Deputy County Attorney Mona W. Clark, even though my name is not on the notice, I believe that is what it is. Just for the public's record, this item was on our agenda recently or a related item in terms of discussing the Administration's response to that report and we have approved the minutes to that meeting today. At that meeting, I was not as sharp as I normally like to be and if you recall I asked the County Attorney at the open meeting, "What was the process or responsibility for Councilmembers or others if they knew the law was being violated." The response, in part, was that we should inform the appropriate Department Head and in this case, it would be Public Works and/or the Tax Department. The discussion after that was that we cannot release this report or contents upon which are my concerns are based because it was held in Executive Session. I neglected to also point out that it is against the law for me or anyone on the Council to consult directly with the Directors on these issues, through Charter, we have to go through the Mayor. I am unable to follow the advice that was offered at the last meeting. I wanted to say for the record that I did put into writing, a letter to the Mayor, to the Administration, asking them to proceed to enforce the law in the property taxes and grading and grubbing ordinance. As we all know Councilmember Bynum started this discussion, former Councilmember Bynum, over a year ago. His conclusions were that he felt that there was wholesale violations of these laws among major property owners and some of the companies leasing from them. As a result of his concerns, he contacted the Administration in May by letter, which is public record, they acknowledged the concerns were valid, and they worked together with the County Attorney's Office and that generate the Mona Clark report which we are going in to discuss. I am requesting that to be released to the public because I believe that report validates my concerns and the concerns of Councilmember Bynum. I believe we need to make it public and that the public, while I was aware of the contents of the report, they would share those concerns and that is the reason why I am asking for it to be released. Thank you.

Council Chair Rapozo:

Mr. Kagawa.

Councilmember Kagawa: I believe a report should be released as long as both sides are in there. I am hesitant to release something based on the fact that when I had asked County Attorney, Mona Clark, "Has these allegations or findings been discussed with the people that are being accused of violating those things." She said, "No." That concerns me. I am talking about Grove Farm. Mike Tresler was speaking on behalf of Grove Farm and disputed a lot of the findings and so my question was, "Have you consulted with Mike? Have you brought the information you found and have you asked him for his response as to why was certain documents not filed or what have you?" With her saying, "No," I am hesitant to release an opinion that has not been properly vetted yet by both sides – there are always two sides to a story. I am not saying Mona is inaccurate. I am saying let us release both sides. If the County Attorney has to come in now and ask those questions now that Mona is no longer here, then let us do it. But if both sides have been asked, both sides are covered, and the report is ready to...that we have consensus on both sides that it is true, then I would say let us release it. I think we are putting the County in a very compromising position should we release...no...this was discussed on the floor. I asked Mona here on the floor.

Council Chair Rapozo: Hold on...exactly...

Councilmember Kagawa: You can go back to the minutes.

Council Chair Rapozo: The only reason I am allowing it to continue is because you are referencing matters that were discussed on the...

Councilmember Kagawa: Right here, I asked Mona right here, "Have you asked Mike those questions," and...I am just saying that let us be careful before releasing something and put the County in a more compromising position. That is all I am saying. Let us be careful.

Council Chair Rapozo: Let us go into Executive Session and I do not believe the posting is sufficient enough to have us vote on the release of that at this stage. I would assume that it would have to be done on a separate agenda item, but I do want to have that discussion today in Executive Session and allow Mr. Hooser the opportunity of why he wants to release that...it is actually an investigation and not an opinion. That still maintains the Attorney-Client privilege between the Attorney and the Council so it would require the same votes to release that to the public. Let us do that. Any other discussion?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to convene in Executive Session for ES-779 was then put and carried by the following vote:

| | | |
|----------------------------|---|------------|
| FOR EXECUTIVE SESSION: | Chock, Hooser, Kagawa, Kualifi, Yukimura, Rapozo | TOTAL – 6, |
| AGAINST EXECUTIVE SESSION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | Kaneshiro | TOTAL – 1. |

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:01 a.m.

Respectfully submitted,



RICKY WATANABE
County Clerk

:dmc

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(January 27, 2015)

FLOOR AMENDMENT

Bill No. 2566, Relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2015 through June 30, 2015, by Revising the Amounts Estimated in the Solid Waste Fund

Introduced by: JOANN A. YUKIMURA

Amend Bill No. 2566, SECTION 1, to read as follows:

"SECTION 1. That pursuant to Sec.19.07B and 19.10A of the Charter of the County of Kaua'i , as amended, Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2014 through June 30, 2015, be hereby amended as follows:

The sum of [\$95,000.00] \$80,000.00 by revising the amounts estimated in the Solid Waste Fund from the following account:

| | | |
|---|--------------------|---------------|
| Department of Public Works | 208-2031-641.30-00 | [\$80,000.00] |
| Solid Waste Disposal | | |
| Other Services – Mattresses & Bulky Item Shredding at Kekaha Landfill | | |

Be and is hereby appropriated as follows:

| | | | |
|--|--------------------|---------------|--------------------|
| Department of Public Works | 208-2031-641.32-00 | [\$95,000.00] | <u>\$80,000.00</u> |
| Solid Waste Disposal | | | |
| Consultant Services | | | |
| Landfill Wildlife Hazard Assessment | | \$25,000 | |
| Landfill Wildlife Hazard Mitigation Plan | | [\$50,000] | <u>\$35,000</u> |
| Design Electrical Upgrades to Hanalei and Kapa'a Refuse Transfer Station | | \$20,000" | |

(Material to be deleted is bracketed. New material is underscored.)

V:\AMENDMENTS\2015\Bill No. 2566 YS:aa

